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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,714	03/31/2004	Chiaki Aoyama	IIP-116-A	7414

7590 11/25/2005
Carrier, Blackman & Associates, P.C.
24101 Novi Road #100
Novi, MI 48375

EXAMINER

RATCLIFFE, LUKE D

ART UNIT PAPER NUMBER

3662

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/813,714	Applicant(s) AOYAMA, CHIAKI	
	Examiner Luke D. Ratcliffe	Art Unit 3662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3 and 4 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference numbers 2, 92, and D2. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims **1, 3, and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shima (2002/0196423) in view of Nakatsuka (6229625).

Referring to **claim 1**, Shima shows a ranging apparatus with plural cameras (figure 2A Ref 11 and 12), plural distortion correction means (paragraph 6 and 7), a corrective computation means (figure 2A Ref 25), and a ranging computation means but does not show a corrected image selection means.

Nakatsuka shows a distortion correction means and corrected image selection means which selects the most appropriately corrected image (column 2 lines 59-65), but does not show plural cameras, and a ranging computation means. It would have been obvious to modify Shima with Nakatsuka because with any image processing like the image processing that is done in Shima an image processor can make mistakes and an image selection means would be able to select the proper image for the application as taught in Nakatsuka.

Referring to **claim 3**, Shima shows a method which determines distance to objects with a first step wherein plural cameras function as image acquiring means and take images of a target (figure 2A Ref 11 and 12), a second step of correcting after eliminating distortion (paragraph 6 and 7), and a final step of ranging distance to the object. Shima does not show a third step between the final step and the second step of selecting among plural corrective images an appropriate corrected image.

Nakatsuka shows a step of distortion correction means and corrected image selection means which selects the most appropriately corrected image (column 2 lines 59-65), but does not show a first step using plural cameras to acquire images of a target, and a final step of a ranging computation of the distance to the target. It would have been obvious to modify Shima with Nakatsuka because with any image

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processing like the image processing that is done in Shima an image processor can make mistakes and an image selection means would be able to select the proper image for the application as taught in Nakatsuka.

Referring to **claim 4**, Shima shows ranging program that determines distance to objects using the following steps. A first step wherein plural cameras function as image acquiring means and take images of a target (figure 2A Ref 11 and 12), a second step of correcting after eliminating distortion (paragraph 6 and 7), and a final step of ranging distance to the object. Shima does not show a third step between the final step and the second step of selecting among plural corrective images an appropriate corrected image.

Nakatsuka shows a step of distortion correction means and corrected image selection means which selects the most appropriately corrected image (column 2 lines 59-65), but does not show a first step using plural cameras to acquire images of a target, and a final step of a ranging computation of the distance to the target. It would have been obvious to modify Shima with Nakatsuka because with any image processing like the image processing that is done in Shima an image processor can make mistakes and an image selection means would be able to select the proper image for the application as taught in Nakatsuka.

Allowable Subject Matter

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luke D. Ratcliffe whose telephone number is 571-272-3110. The examiner can normally be reached on 8:00-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Tarcza can be reached on 571-272-6979. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LDR


THOMAS H. TARCZA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600